

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

K.A., by and through her Next)	
Friend B.W.,)	
)	
G.W., by and through her Next)	
Friend K.W.,)	
)	
and)	
)	
D.B., by and through his Next)	
Friend A.B.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:18-CV-514-RK
)	
THE CHILDREN’S MERCY)	
HOSPITAL,)	
)	
Defendant.)	

AFFIDAVIT OF B.W.

B.W., being of lawful age and first being duly sworn on her oath, states:

Affiant is the natural and custodial parent of K.A. Affiant states that K.A. is a minor child, age 13. Affiant is familiar with the facts and circumstances in the above-captioned cause. Affiant has entered into a settlement on behalf of K.A. with Children’s Mercy Hospital (hereinafter “Defendant”) in the amount as reflected in the Confidential Settlement and Release Agreement. Affiant states that the terms of the settlement negotiated on behalf of K.A. are fair and reasonable. Affiant states that the attorney fees and costs to be paid to the Plaintiffs’ attorneys of record herein are fair and reasonable. Affiant understands that she is knowingly waiving K.A.’s right to a jury trial on her claims against Defendants by submitting the proposed settlement with Defendant for approval with this Court. Affiant understands that Defendant has agreed to settle this claim without

admitting any liability for disclosure of her child's medical information in exchange for a release of all claims, demands and damages, whether known or unknown, accrued or accruing, which the heirs at law now have or may hereafter acquire against them on account of the injuries of the disclosure of K.A.'s medical information arising out of the facts and circumstances listed in the First Amended Petition filed herein. Affiant agrees that if the settlement is approved she will execute all documents necessary to dismiss with prejudice this claim and all other claims, demands and damages, whether known or unknown, accrued or accruing, which the heirs at law now have or may hereafter acquire against defendant on account of the injuries of the disclosure of K.A.'s medical information arising out of the facts and circumstances listed in the First Amended Petition filed herein with each party bearing their own costs. After careful consideration, and with the understanding that if they had a trial of their claims against Defendant K.A. might receive more money, less money or the same amount she is receiving by way of settlement, affiant believes that the proposed settlement is in their best interest; affiant therefore requests that the Court approve the same. Affiant requests that the Court approve the proposed settlement and further specifically request that the Court order one hundred percent (100%) of the settlement proceeds be paid to a trust set up for the needs of K.A. Affiant understands the settlement is to be approved by a Circuit Court Judge in the Circuit Court of Jackson County, Missouri and she specifically waives K.A.'s right to attend any such hearing approving the settlement and ordering distribution of the settlement proceeds.

Further affiant sayeth not.

B. W. Next Friend
B.W. Next Friend and Natural Parent of K.A.

STATE OF MISSOURI)
)
COUNTY OF JACKSON)

Subscribed and sworn to before me, the undersigned Notary Public, this 10th day of April 2020.

Maureen M. Brady
NOTARY PUBLIC

My Commission Expires:



MAUREEN M. BRADY
My Commission Expires
September 18, 2021
Jackson County
Commission #13469478